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Practitioner's Docket No.: 791\_126 CIP2B

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Yukihiisa TAKEUCHI, Tsutomu NANATAKI and Koji KIMURA

Ser. No.: 10/027,775

Group Art Unit: 2874

Filed: December 20, 2001

Examiner: Knauss, Scott A.

Confirmation No.: 1603

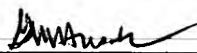
For: OPTICAL SWITCH

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

"EXPRESS MAIL" mailing label number EV 443367402 US.

I hereby certify that this paper or fee is being deposited on *March 15, 2004* with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

  
Gina M. Husak

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**

Sir:

Your petitioner, NGK Insulators, Ltd., residing at 2-56, Suda-Cho, Mizuho-Ku Nagoya, Aichi-Prefecture 467-8530, Japan, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Ser. No. 10/027,775, filed December 20, 2001.

Except as provided below, petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,542,658 and the full statutory term of any patent granted on pending second application U.S. Patent Application Serial No. 10/027,773 filed December 20, 2001, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,542,658 and any patent granted on said pending second application, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,542,658 and any patent granted on said pending second application, as presently shortened by any terminal disclaimer, in the event that either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioner identified above.

The undersigned is an attorney of record.

**FEE STATUS**  
(37 C.F.R. § 1.20(d))

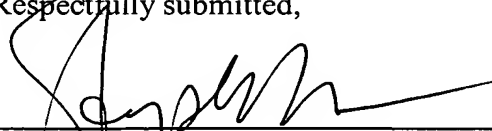
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**FEE PAYMENT**

☒ Attached is a check in the sum of \$196.00, including the Terminal Disclaimer fee of \$110.00.

☒ Charge Account 50-1446 for any fee deficiency. A duplicate of this disclaimer is attached.

Respectfully submitted,



Stephen P. Burr  
Attorney for Applicant(s)  
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March 15, 2004

Date

SPB/SEC/gmh

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